

### REMARKS

Claims 12 and 18-21, 29 and 34-43 are pending. Claims 36 and 37 have been amended. No new matter has been added.

In the previous response, the applicant reaffirmed its election of the invention of Group I drawn toward a combinatorial library as recited in claim 12, and provisionally elected the species of a combinatorial library of  $\alpha$ -amino acids having a core framework of structure 1 and wherein the carbonyl component (the compound of formula 14) is glyoxylic acid (HCOCOOH), and including at least the compounds prepared in Examples 1, 2, 3, 6, 8, 9, 10, 11, 12, 14, 15, 18, 22, 23, 24 and 25.

Claim 37 has been amended to confirm that the structure recited there represents a subgenus of structure 1 – namely, the set of  $\alpha$ -amino acids derived from the reaction of compounds 13, 14 and 15 or 19 according to claim 12 (where the acid substituent is derived from the R<sup>4</sup> substituent of carbonyl component 14). The applicant believes this addresses the Examiners concerns about claim 37, and, by extension, claim 38, both of which the applicant submits read on and are generic to the elected species. The applicant notes that its previous response failed to indicate that claim 38 is generic to the elected species, and regrets any confusion this may have caused.

The Examiner questions whether claims 36 and 39 read on the elected species. As amended, claim 36 is directed to the combinatorial library of claim 12, and further provides that one or more of the compounds of formula 1 (which formula necessarily includes all of the compounds identified above as being included in the elected species) are transformed to form the ultimate library. Claim 39 recites that the library includes a plurality of  $\alpha$ -amino carbonyl compounds of formula 4', which formula also includes the compounds identified above as being included in the elected species. The applicant submits both claims are generic to the elected species – i.e., that the elected species falls within the scope of both claims.

The applicant reiterates that it has elected for purposes of search and examination the species of a combinatorial library of  $\alpha$ -amino acids having a core framework of structure 1 and wherein the carbonyl component (the compound of formula 14) is glyoxylic acid (HCOCOOH), and including at least the compounds prepared in Examples 1, 2, 3, 6, 8, 9, 10, 11, 12, 14, 15, 18,

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22, 23, 24 and 25. Claims 12, 18, 19, 20, 21, 29, 35, 36, 37, 38, 39 and 43 read on and are generic to the elected species.

The applicant believes that all claims are in condition for examination. No fees are believed to be due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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**Version with markings to show changes made**

In the claims:

Claims 36 and 37 have been amended as follows:

36. (Amended) The combinatorial library of claim 19, wherein [further comprising]:

said combinatorial library is further prepared by transforming one or more of the plurality of compounds of formula 1 to generate the combinatorial library.

37. (Amended) The combinatorial library of claim 12, wherein:  
the combinatorial library includes a plurality of  $\alpha$ -amino acid derivatives of  
formula [3]:

